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IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the Andean Commission
of Jurists (Colombian Section)

The Secretary-General has received the following written statement, which is distributed in accordance with Economic and Social Council resolution 1988/4.

[29 September 1995]

COLOMBIA: WIDESPREAD POVERTY AND INEQUALITY*

The report submitted by the Government of Colombia to the Committee on Economic, Social and Cultural Rights gives an overview of policies in the social field, setting out the relevant legislation and including selected

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* The sources used for this study are cited in a fuller document submitted to the Committee at the same time as a working paper and in an "alternative" report of 70 pages to be sent directly to the experts. The sources quoted are directly or indirectly of official origin. This document was prepared in cooperation with the Movimiento Nacional Indígena (ONIC), the "Cimarrón" movement representing the black communities, members of the Central Unitaria de Trabajadores (CUT), the Escuela Nacional Sindical of Antioquia (ENS) and the women's group of the Asociación de Trabajo Interdisciplinario (ATI). Libardo Sarmiento Experto acted as external consultants on economic and social matters.

data. The scant information provided in the official document on trends and achievements disguises, by the weighting of the indicators, the profound ethnic, social and regional imbalances that exist in the country.

This decade saw the adoption of changes to the Constitution defining Colombia as a social State subject to the rule of law, and various acts and decrees have since been passed to address social problems. However, the issuance of such norms has not brought any real improvement in the social situation of Colombians. The monitoring of social trends is unreliable, the information is late and incomplete and the system of justice is almost completely ineffective in securing the implementation of economic, social and cultural rights. One positive feature to be noted is that the legal protection proceedings have enabled progress to be made in a few cases regarding the justiciability of those rights.

I. **RIGHT TO WORK**: The realization of this right has become an uncertain prospect for a large number of Colombians because of the general insecurity of employment, which particularly affects young people and women.

Employment and unemployment: Open unemployment has stood at around 10 per cent during the period and has been accompanied by a rise in figures reflecting the instability of the labour market: the number of persons employed in the informal sector has grown, reaching as much as 53 per cent of those working, and temporary employment and underemployment have increased, accounting for 21 per cent and 13.4 per cent, respectively, of the economically active population. Dismissals resulting from modernization and privatization of the State sector total about 100,000 and the programmes of the Public Sector Manpower Adjustment Service (SAL-SP) and Comprehensive Manpower Adjustment Service (SALI) designed to mitigate their effects have been a failure.

Wages: Some 20 per cent of workers in the country earn less than one minimum wage and a further 50 per cent receive less than two minimum wages. The situation is grave considering that roughly two and a half minimum wages are needed to purchase the basic family basket of goods. This decade has thus far seen a decline in purchasing power of the average wage of Colombians, particularly those who are earning the minimum wage or who are employed by the State, and the gap between the salaries of managerial staff and the earnings of manual workers or employees at the lower levels of the business pyramid has widened. Wages decreased from 41.6 per cent of GDP at the beginning of the decade to 38.53 per cent in 1995.

Occupational safety: The figures here speak for themselves: 90 per cent of enterprises do not have minimum occupational safety programmes and about half do not apply occupational safety and health regulations, a circumstance that led to 112,000 accidents at work in 1992.

Trade union rights: The right to form or join a trade union has been more formal than real in Colombia. Only about 8 per cent of the labour force is

unionized, and of those people less than a third have the right to engage in collective bargaining, the main reason being the classification of the workers as public servants, notwithstanding the provisions of the Constitution in that regard (940,000 workers are employed by the State).

State intervention discourages workers' exercise of the right of association and the right to strike: The power of the State to decide whether or not to authorize the functioning of a trade union meant that 32 organizations were not allowed to register as trade unions and thereby represent workers in 1994. The Ministry of Labour declared 32 strike movements illegal in that same year through administrative rulings without any prior hearing to guarantee the unions' right to present their case: there is no appeal against such administrative rulings. Another factor negating the right of association is the extremely high incidence of acts of violence against trade unionists. Some 1,500 trade unionists have been killed over the past 8 years, a statistic that ranks Colombia on the world level as the country in which most murders are committed against members of the trade union movement.

II. RIGHT TO SOCIAL SECURITY AND PENSIONS: Despite the change of system, this right continues to be enjoyed only by those in steady employment or with high incomes. However, the new scheme affects the solidarity between generations, between men and women and between rich and poor that had existed under the previous system. The transitional arrangements guarantee only the acquired rights of persons (women over 35 years of age and men over 40) who have been contributing for a period of more than 15 years; for the remainder, the age and length of service requirements for entitlement to pensions were changed unilaterally.

III. RIGHT TO HEALTH AND SOCIAL SECURITY: Despite the change in the health system during this decade, the main health problems of Colombians still persist. Cholera and dengue epidemics are recurring, diseases associated with underdevelopment, such as malaria, leprosy, enteritis and diarrhoea, are becoming more common and so-called "modern" diseases, such as stress-related conditions, cancer and AIDS, are making inroads. AIDS, in particular, has shown a rapid increase, with 10,000 cases reported during this decade.

The primary health problems have not been resolved. More than half of all Colombians are not supplied with drinking water, 20 per cent suffer from acute undernutrition, and environmental and public health problems are widespread. Present plans do not call for a redirection of the health system towards prevention.

The changes brought in with the new health system allow for the involvement of private capital in the administration and supply of services, but they do not resolve the basic existing problems: physical and technical resources are still insufficient (the numbers of doctors and nurses per thousand inhabitants are half of what is recommended by international standards, large parts of the country do not have enough health-care centres and the quality of service is low). The poor and inhabitants of rural areas

are treated in State hospitals where service is inadequate because of the permanent crisis in those institutions - a crisis more likely to deepen than to improve with the capitalist criteria which are being used under the new system to evaluate their performance and on which their funding depends. In addition, problems of supervision will make it impossible to deliver a better quality of service.

IV. **RIGHT TO HOUSING**: Colombia still has no comprehensive policy to address the root causes of the shortage and poor quality of housing, the problems of the monopoly in land ownership or the difficulties of credit policy. Some 3.7 million families are in need of housing (that figure points to a 33 per cent shortage of housing in the large cities) and qualitative deficiencies (overcrowding, limited space, lack of public utilities and structural defects) affect 2 million dwellings, most of them belonging to the poorer strata of the population. The impact of environmental problems is felt in virtually all dwellings of these groups. The solutions put forward by the previous Government made no significant headway in dealing with this situation: the subsidies offered were clearly insufficient and delayed, the housing shortage increased in absolute terms and the number of inferior-quality dwellings grew significantly.

V. **RIGHT TO EDUCATION**: In all, 9.52 per cent of Colombians receive no education, 81.56 per cent are unable to complete the primary level, 87.8 per cent do not finish the secondary level and 97.8 per cent have no higher education. Many of these problems are due to lack of facilities in State schools, where the drop-out rate and percentage of pupils repeating a year are especially high. The drop-out rate in the first three years is 35 per cent, and for the primary and secondary levels the annual average is approximately 10 per cent. The quality of both the teaching and the educational institutions has deteriorated appreciably in the course of this decade.

Under the previous Government, targets in the field of education were not met and the steps taken had no significant impact on the indicators reflecting educational problems. This Government intends to provide textbooks free of charge to poor students and subsidize their studies in some cases, as well as to make the school day longer and extend the coverage of primary education. Some of these programmes have started, though very slowly, and a large number are still awaiting the formulation of policies for their effective implementation.

VI. **RIGHT TO NON-DISCRIMINATION**: This right is being violated especially in the case of ethnic communities and women. The illiteracy rate is almost three times the national average in the black communities and almost four times that average among indigenous people. Access to health care is substantially lower for the ethnic communities than for whites and mestizos, and endemic and epidemic diseases are common in the areas where they live. The Wayu community, for example, is currently facing an epidemic of equine encephalitis that affects 10,000 people and claimed 17 lives last month.

In the case of women, discrimination is manifested in employment, remuneration, health and violence. Unemployment among women is twice as high as among men, and women earn barely 60 per cent as much as men; 34 per cent of women suffer physical abuse and about 9 per cent are victims of rape.

VII. VULNERABLE GROUPS: Vulnerability to violence and exclusion is a situation faced by large numbers of children, the elderly and disabled and persons displaced by violence. All of these groups suffer more than the national average from the denial of one or more economic, social or cultural rights.

A. Elderly people and children: There are about 400,000 destitute elderly persons and 15,000 abandoned children living in the streets. Roughly half of children under 15 years of age are maltreated and a quarter on average have to work because of their economic and social conditions or family circumstances.

B. Enforced displacement: The prevailing situation of violence has created about 600,000 displaced persons, who receive very little attention from the State. No policies are being implemented to meet their most basic needs or to address the problems of ensuring their safety and social integration.

VIII. SOCIAL INVESTMENT: Investment by the State in social services over the last 10 years has been several points lower than the 10 per cent of GDP target set by UNDP for countries such as Colombia. The previous Government increased social spending slightly, but actual implementation represented less than 60 per cent of the amounts budgeted. The present administration has earmarked more funds for social services, but successive cut-backs and inefficient use of appropriations suggest that the situation will not improve significantly in this regard.

IX. POVERTY AND INEQUALITY: These two phenomena, which traditionally affect the broad social situation in Colombia, have become more pervasive and widespread in the 1990s as a consequence of the application of the present economic and social models. Poverty as measured in terms of income has increased by several points, extending to more than half of all Colombians. Destitution affects roughly a third of the people (that measure having also shown an increase in the last five years).

The impoverishment of Colombians goes hand in hand with the concentration of income and national wealth, deepening the inequality that characterizes the social situation in the country. The poorest two deciles of the population receive only 3.1 per cent of total income while the richest two deciles receive about 60 per cent, a disproportion that is seven times the average for countries like Switzerland or Sri Lanka. The Gini coefficient, which measures the degree of concentration of wealth, increased from 0.47 per cent in 1990 to 0.54 per cent in 1995.

X. BALANCE SHEET AND PROSPECTS: The performance indicators for housing, nutrition, education and social services reveal a slackening of the positive

rates observed in previous decades. The new law governing the health sector anticipates positive developments in terms of coverage and equality but obstacles have arisen since it was drafted, with the involvement of private capital in the provision and administration of health services not counterbalanced by effective supervisory mechanisms. The social situation has deteriorated in such important areas as disguised unemployment, purchasing power of wages and poverty, and there is a deepening inequality in the distribution of wealth and income generated in the country. These phenomena are to be viewed in conjunction with a few indicators of above-average growth and economic stability which show that non-realization of economic, social and cultural rights does not stem primarily from resource problems but is the consequence of acute social inequality.

The new Government is following the general lines of its predecessor, although devoting more resources to social spending and incorporating human development into its economic and social plan. However, not altering the way in which wealth is distributed or dealing with the causes of impoverishment of large segments of the population means that significant advances cannot be expected in the social field. The public assistance character of many of the programmes, the regressiveness of the tax system and the unsoundness of the employment schemes are further grounds for maintaining that there is a large gap between words and deeds in the case of Colombia.